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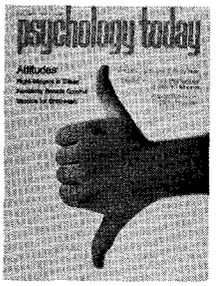

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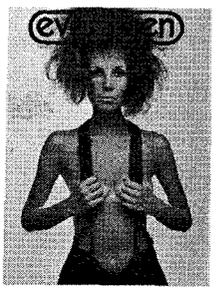

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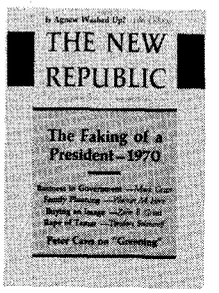

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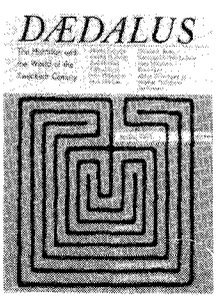

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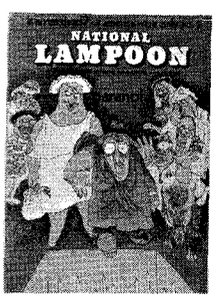

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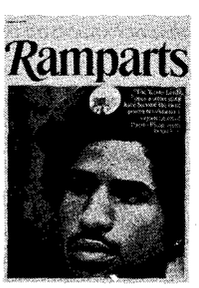

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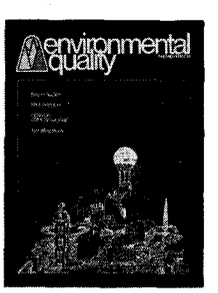

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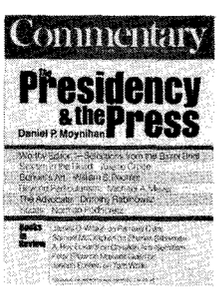

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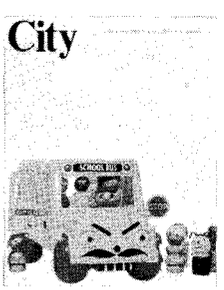

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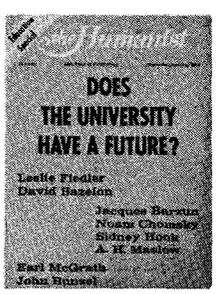

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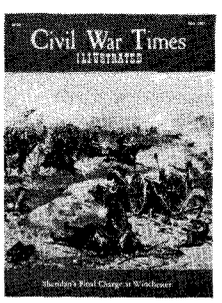

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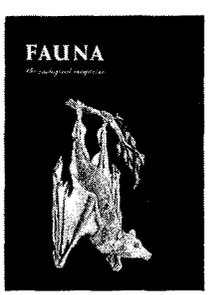

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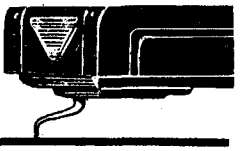

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We Made a Mistake

A test of the moral stature of the United States will come in the next few months when we cannot conceal from ourselves any longer the stark reality that we have lost a war. All our airpower and puissance have not been able to enforce our will on a small backward jungle nation in Southeast Asia. Will this gathering realization finally produce a primitive knee-jerk demand for a scapegoat to bear the blame? Or will the ugly episode help the world's most powerful nation and, at heart, one of the most splendidly idealistic, to wisdom?

Not later than 5 p.m. this Wednesday the Senate is scheduled to vote on the McGovern-Hatfield amendment to the draft extension bill to force a withdrawal of all US forces in Vietnam by the end of this year. A year ago the amendment got 39 votes. Almost certainly it will fail this year and the vote will be called a "defeat." Nonsense! It is a victory just to have the measure voted on. What has happened, very simply, is that all the street protests, the campus turbulence, the sneered-at hippies and long-haired objectors of the past five years have finally had their effect on Congress and that, mostly without admitting it, the legislators are carrying on from there. This war has got to end. Even those who vote against McGovern-Hatfield know it. All that is left is the Nixon make-believe, and the killing.

World War I was one of the most popular in American history while it lasted and one of the most unpopular when it was over. There was the bad taste in the mouth after Versailles, and so "Merchants of Death" was invented and a generation grew up thinking the war was all a plot by arms manufacturers.

After World War II there was the "loss" of China and another scapegoat was needed and provided by Joe McCarthy, those Commies in the State Department. Always after war there is reaction in America and a move toward isolationism, and the charge, "We were betrayed." Since the United States is obviously omnipotent (look at all our motor cars!) anyone can see that nothing can go against us in the world unless it is caused by a conspiracy. President Kennedy was no traitor, nor Johnson, nor Nixon. If we are to have one somebody else will be needed and we can foresee a political drive to blame our failure in Asia on pacifist intellectuals, on subversives, on softies who got a "PhD from the Acheson college of Cowardly Communist Containment." (No, that has been used already; we must invent something new.)

It will be sad business if this happens again. There is something important for America to learn from Vietnam if we are mature enough to face reality and it is not too early to think about it even while the troops are coming home.

Vietnam was not a betrayal, it was a mistake. We did not go into it for selfish gain but from bad judgment. When we saw our mistake we tried to pull out by going in deeper. War has a momentum of its own. We lost prisoners so we had to fight to extricate them. The consequences of earlier military action became the causes of later military action. All this amidst a jungle heat and the steady hypocrisy and lies of leaders at home. Vietnam, it is said sardonically, has given war a bad name.

What will we remember about Vietnam? Well, there is Mylai. And the tiger cages. And the phrase, "We had to destroy the village in order to save it." There was the make-believe about the Tonkin Gulf "attack" and two brave senators, both defeated, Morse and Gruening, who alone in Congress voted against the war resolution based on it. There were those military phrases like "protective reaction," and the two that bracketed the Cambodia "incursion," first that the United States couldn't act "like a pitiful, helpless giant," and after it was over that it was "the most successful operation of this long and very difficult war." Well, well; after that the Gallup poll reported in February that seven of ten queried thought the government wasn't telling them all the facts.

John Graham of the London *Financial Times* wrote that the United States "has bombed four countries and invaded two to withdraw from one." And there was the comic episode where Joseph Alsop lashed out suddenly at poor old Melvin Laird as the "saboteur of the Nixon Vietnamization plan" because he wasn't adequately bloodthirsty. . . .

The United States has done its duty by Vietnam. It has set up an army of a million men, well-armed, well-trained, fighting an army perhaps a quarter that size. In our generosity we have laid waste a nation, and contributed more than $100 billion and 50,000 American lives. We have made subtler but no less real sacrifices. This combined recession-inflation at home comes from the refusal of Lyndon Johnson to apply the taxes needed to pay for the war; the erosion of congressional power in the face of the presidency is due to mistaken delicacy about supporting the troops in wartime; these 30,000 or more GI dope addicts returning to plague the nation are a sacrifice, too, with a terrible cost to us, their mothers and to them.

In four months, on October 3, comes the South Vietnamese election. It could be the last graceful way out of the quagmire. Recently before the Senate Foreign Relations Committee, elder statesman Averell Harriman recalled that President Thieu tried to wreck the Paris peace conference and will do so again if reelected. He got only 34 percent of the vote in the 1967 election, with strong US support. Harriman thinks the Vietnamese people want a coalition government and would throw Thieu out if given the chance. They aren't likely to get it. Thieu has one political adversary in jail, Deputy Tran Ngoc Chau, contrary to two Supreme Court rulings. His rival for the presidency in 1967, Truong Dinh Dzu, is in jail. And now a new piece of slick legislation may have eliminated Vice President Ky from the race.

Any reasonable appraisal shows that we have met our obligations in Vietnam. We overestimated our capacity. We made a mistake. If we can squarely face that hard and gritty fact we shall be an even greater nation than we are now.

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On the Up and Up

The June graduates have been congratulated, challenged and given the prescribed dose of optimism. It's not all molasses. John Gardner told an audience at Pace College that "when an institution grows aged and unresponsive and rigid, it needs to be shaken up." He wasn't telling the students something new, but it was a refreshing tonic from so respectable a source. What the students don't know, what we don't know, and what Mr. Gardner couldn't tell them is how the shaking up is to be done. A good many of the young are willing to try, more than willing in the opinion of their denigrators. Many of them *have* tried, but it can't be said that they look back on their accomplishments or forward to their future with great satisfaction. Thus, we have been fighting an unjust war for seven years, and we've been three years at winding it down, and it hasn't ended yet. The marvel is that there is still so much gaiety, confidence and public spiritedness among the young. They have been maligned; they do not "hate America." To the contrary, they've learned basic Americanism well enough so that they can't accept uncritically what's done in the name of America. What they hate is hypocrisy, of which Secretary of the Treasury Connally provided an example last week. There he was weeping over workers in the aerospace industries who'll be thrown out of their jobs if the federal government doesn't bail out Lockheed. When before did John Connally worry about the well-being of the workers of America?

Few of the June graduates would downright deny Mr. Gardner's contention that "our system is uniquely designed for change and growth," but they might wonder why a system so well designed is so resistant to reform. American society's managers – big government, big corporations, big agriculture – are on the whole as responsive to human needs as they are to the commands of the *Koran*. What the managers take most seriously is not their responsibility to the public, but their profits and power. The country has been thrown up for grabs, and they've grabbed it. Yes, there are beautiful new buildings in the cities, and who owns them? – the banks and savings and loan institutions and insurance companies. The land is there, and who has more and more of it? – agro-business. And who decides what the public shall see on television or hear on radio? – the networks which bleat about free enterprise, which turns out to mean

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very little more than their freedom to make money for themselves. Quality? Utopian. Sales and profits are what count, young man.

So here are the June graduates, stepping forth into this higher-rise civilization that "needs to be shaken up": higher unemployment (6.2 percent); higher welfare rolls (14.2 million); higher prices; higher war casualties; higher Dow Jones averages; higher rates of accidents, crime, drug addiction, alcoholism; higher concentrations of poison in the air and the water; higher densities of population in metropolitan areas under-served by schools, transit and medical facilities; a higher number of college graduates with lower prospects.

And what of Washington, capital of the world's mightiest power? How much hospitality to change and growth? The President is keen on reorganizing the federal structure, in the interests of efficiency; that's supposed to be the American Way. But the way to what? What restless Americans want is not more efficiency but a heightened sense of purpose, a deeper concern by the managers for the people. We're not being partisan. The Democrats are looking around for an ax-handle with which to beat the opposition, but they, like the Republicans, have no illuminating insights into the troubles that plague us.

Most of our political managers aren't prepared to be "shaken up" by anything less than the Second Coming. They aren't losing any sleep because of the country's having more of everything and less of everything: more laws and more lawlessness; more prisons and more criminals; more "entertainment" and more boredom; more mobility and more sense of being trapped; more security forces and more insecurity; more books and more banality.

So back to the young who long for something human, for community as it was known to Americans in an earlier age. In their search for comradeship and work worth doing, there is a promise, no more than that, of a national renewal of spirit. The wiser among the young are groping, still fearing they too will get caught up in an unfeeling, competitive system. But they know what they don't want: no instant solutions. No instant flight (is the SST really dead?), instant "towns," instant coffee, instant love (an orgone box), and perhaps not even instant perception (acid or worse).

"Trust not in man," says The Book. But may we not trust the June graduates' distrust of climbing to the top over the bodies of others? Their public spiritedness is still intense, though more modest now than anything we saw in the sixties. Many of them will be working for community in small ways, because the big institutions do not yield to such pressures as they can command. We cannot expect them to save us from corporate America, but they might be able to save some small part of it, and themselves.

The Police

We place enormous burdens on the shoulders of the police. We expect them to deal with the ugly, dangerous consequences of our failures. We expect them to make our streets and stores and homes safe, something the police alone can never do. We send them out ill-prepared to carry these responsibilities, and when (or if) they return we are niggardly with our rewards and recognition. They do not always return, for we put them onto streets bristling with arms in the hands of many who should never have them, and who often look upon the law with fear, bitterness, or the warped vision of the addict. When a cop dies in the line of duty, he dies for all of us and, in some measure, because we have failed him. It was therefore fitting that President Nixon invite a group of policemen to the White House on June 3 and 8.

That said, the meetings were a travesty. They were made a platform for the paranoia of J. Edgar Hoover and the steely sermons of John Mitchell. These two flanked the President before the photographers, and beforehand saw to it that two of the top police professionals in the nation were screened from the invitation list. The absentees were, of course, Police Commissioner Patrick V. Murphy of New York City, where seven of the recent killings occurred, and Quinn Tamm, veteran executive director of the International Association of Chiefs of Police. They were excluded because of where they stand in the internal tug-of-war going on within the police fraternity.

Tamm and Murphy (who was public safety director of Washington, DC, and director of the federal Law Enforcement Assistance Administration before coming to New York) both are cops down to their shoe leather. But both have tried to move their profession toward a broader understanding of its role. Theirs is a conception that would share the burdens placed upon the police with the courts, the correctional system, local government, and other social institutions that deal with problems that have cause-effect relationships to crime. To halt police killings, for example, both have urged stronger gun control laws.

These views are anathema to Hoover and Mitchell, and their side in the tug-of-war is growing stronger. Two years ago, a special report to the Presidential Commission on Violence warned that the police, "increasingly frustrated, alienated, and angry," were emerging as "a self-conscious, independent political power rivalling even duly elected officials in influence." When asked why Police Commissioner Murphy was not invited to the White House, a spokesman said he was a "civilian" rather than a uniformed chief. The distinction, together with Murphy's and Tamm's exclusion, is alarming. Police *are* "civilians" – an arm of civil government and nothing more.

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PR for POWs

The key to the POW jails in North Vietnam is in the President's hands. To use it, he must set a withdrawal date for all US military forces from Indochina. The reason he will not use it or admit that he has it, is that he wants to win the war, by proxy if possible. Meanwhile, the White House will insist that Hanoi, not he, is keeping the men imprisoned. This trickery now is abetted by the Advertising Council, which is about to embark on a worldwide campaign to convince North Vietnam to allow impartial inspection of the POW camps. No one thinks it will succeed. Moreover, the prisoners' release, not their inspection, is what's wanted.

When, last week, former Defense Secretary Clark Clifford said that he had "reason to believe" the North would release all American POWs within 30 days of an agreement to withdraw, he was attacked by the White House press secretary for exploiting the issue "for domestic political objectives." And when, on the following day, North Vietnam's Xuan Thuy confirmed in Paris that the question could indeed be settled once the President set "a reasonable date for withdrawal," the White House dismissed the offer as meaningless.

In the first Indochinese war, which lasted seven years, the Vietnamese freed French Union troops after the truce. Their release hinged not on a negotiated exchange in the midst of hostilities, but on the French decision to get out of the war. Mr. Nixon treats this whole matter as if it were extraneous to our military presence in Indochina. He has used the prisoners to whip up popular passions against the North. It has been a fascinating exercise in PR, orchestrating H. Ross Perot, the Advertising Council, Jimmy Stewart, the Red Cross, and of course the wives who have been shepherded around the country by the brass. The President authorized an abortive commando raid to liberate a POW camp, and twice authorized a national day of prayer. Astronaut Frank Borman has addressed the national assemblies of 25 nations on the subject. But the reality behind all this camouflage is becoming increasingly visible; the President has the key.

Prestige Lobbying

The 555 members of Congress include 301 attorneys, and last week nearly 2000 of their paisley-tied brethren lobbied for peace on Capitol Hill. Student lobbyists had disappeared from congressional offices this spring – ironic enough, now that they had been enfranchised. But into the gap have poured prestige organizations like Business Executives Move for Peace, The Committee for Peace and New Priorities (labor unions), The National Council for an Indochina Deadline (intellectuals and minor celebrities), and church and civil rights groups.

The lawyers took their "workshop" training from Common Cause. "Don't walk away satisfied with a general condemnation of the war," they were told. "The time for education is over. Be specific and get specific responses." The organizers of the lobby, working out of the Washington firm of Arnold & Porter, set up elaborate schedules with uncommitted Congressmen. They gathered in the State Room of the Washington Hilton and pleaded: "Anyone here with connections in Maine?" "Mississippi? One brave soul from Mississippi?" "My God, you mean there's no one here from Cleveland?"

They came, naturally, from Boston and New York —and, for some reason, Minnesota, which turned up 40 lawyers. For the last three weeks Stuart J. Land and his friends at Arnold & Porter had organized on a national scale as well as they could. "You've got to remember," Land said, "that Washington lawyers have no congressmen. We learned last year it was a mistake to try to lobby without being constituents."

High-Cost Primaries

John R. Schmidt and Wayne W. Whalen offer an intriguing suggestion in their article, "Financing the '72 Democratic Primaries – Put the Lid On," in the June 5, 1971 issue of *The New Republic*. There is much that is attractive in the notion that the Democratic Party, without waiting for adoption of federal legislation should act immediately to limit the expenditures of its presidential hopefuls competing for nomination.

The proposal, however, gives rise to a number of serious problems. Campaign expenditures are used to persuade voters to support a candidate – to pay for television and radio time, advertisements, travel, speechmaking. To limit what may be spent for such purposes is in a sense a restriction on the right of the candidate or his supporters to express themselves as often and as effectively as they can, in their effort to gain adherents. To some degree, freedom of speech and of the press would thus be impaired, suggesting the possibility of violation of the First Amendment.

The First Amendment does not directly restrain the conduct of private groups, but only of the federal government (and, by extension through the Fourteenth Amendment, of the states). But political parties are not so remote from the processes of government that their conduct is immune from all constitutional limitations. For example, the Supreme Court has held that a political party may not bar Negroes from voting in

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its primaries; for that purpose at least, the process of selecting nominees is regarded as an integral part of the ultimate election. The Court has not had occasion to decide whether and to what extent other types of action by parties, which would be forbidden to governments by the Constitution, are also subject to constitutional restraints; sooner or later we will probably see issues of this kind tested in the courts, perhaps in the form of challenges to the manner in which delegates to national conventions are chosen or the conventions themselves conducted. But even in the absence of precedents in this area, a party rule that forbade all cadidates in its primary from communicating with the voters would encounter heavy weather in the courts.

Of course this proves at most that a party would be subject to the same limits as Congress. If an Act of Congress imposed reasonable ceilings upon campaign expenditures, it would not necessarily be held unconstitutional. Validity might depend on how high a maximum was set. Where a candidate could otherwise spend so much money as to swamp the communications of his rivals, it may well be constitutional to subordinate his freedom to say or have said in his behalf as much as he wants and as often as he wants, in the interest of affording competitors a fair chance to obtain the attention of the electorate. Nevertheless, the constitutionality of such a statute is not completely certain; by the same token, the validity of a similar party rule cannot be taken for granted. A further distinction may be made with respect to party regulations: there is a better case for primary ceilings in 1972, when the party is out of power, than there would have been in early 1968 when independents were trying to generate opposition to an entrenched incumbent, and any ceilings might have been regarded as attempts to foreclose competition.

There are additional problems in connection with ceilings on campaign expenditures, whether adopted by Congress or by a party. To what extent should the expenditures of individuals or committees supporting a candidate but not acting under his direction or control be attributed to him and counted against the maximum imposed upon him? If such expenditures are not so counted, the regulation would be virtually ineffective. The candidate could stay within the ceiling insofar as monies passing through his own hands were concerned, while "independent" committees supporting him could simultaneously be spending unlimited sums in his behalf. To exempt from his total the expenditures of groups he disavowed would be no solution; it would merely invite routine "repudiation" whenever a candidate wanted to exceed the limit. But the alternative, of applying expenditures of all of his supporters against the candidate's ceiling, would often be grossly unfair to him. There may be groups whose support he would find embarrassing, either because of their composition (*eg.*, extreme leftists) or because of the nature of their message ("We don't really trust him but he's the best of a bad lot."), and others whose expenditures would appear to him to be inefficient uses of a limited available total.

A third alternative, to require all supporting activity to be channeled through the candidate, according him a veto power over any expenditures of which he disapproved, could be legislated by Congress (although giving rise to still more serious constitutional problems), but such a measure would be beyond the enforcement powers of a political party. There seems to be no really satisfactory answer to the problem of expenditures by committees.

If the only purpose of the Democratic Party would be to conserve sources of money that would later be needed for the election itself, then perhaps a limit on pre-convention expenditures of candidates would be the best way to achieve it. But Messrs. Schmidt and Whalen also evidence interest in achieving such broader goals of campaign finance reform as greater equality of opportunity among candidates despite lack of personal fortune or wealthy supporters, and reduction of the influence of large contributors on the conduct of government. Imposing a maximum on the amount a candidate may spend is only one of a number of devices which, individually or in combination, might move us toward those objectives.

Congress has a wider range of remedies available to it than does a political party. It might, for example: (a) impose ceilings on individual contributions (and expenditures by a candidate or his family); (b) require prompt reporting and publicity for all large contributions; and (c) offer a tax credit to encourage millions of small contributions, thus relieving candidates of dependence upon affluent or favor-seeking contributors.

A package of this kind might remove most of the evils in our present methods of financing campaigns. There would still be some constitutional questions in connection with such a law, but on balance it would probably be upheld. It would at least avoid the dilemma inherent in a limit on a candidate's expenditures, of either having to allow the loophole of unlimited spending in his support by persons or committees not under his control, or inviting the serious constitutional challenge that would be made against a measure that permitted him to muzzle his would-be supporters.

A combination of devices such as suggested above could be adopted only by Congress and not by a party. The only leverage of the latter would be through its control over the candidates' spending of their own money or of that of others; it would have no way to enforce limitations upon contributions to or expenditures made by "independent" committees or to require that they be publicized, nor would it have the financial resources to subsidize small contributions.

It short, I doubt whether a regulatory scheme which would be both effective and fair can be instituted by

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a political party. Perhaps the proposal merits further consideration; it should not be allowed, however, to divert attention from the importance of pressing Congress for the more satisfactory types of reform.

Albert J. Rosenthal

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The People, No

Environment and The Bureaucracy

Just over a year ago, Senators Philip Hart and George McGovern introduced a little-noted bill entitled the Environmental Protection Act. Similar legislation has been introduced in the House by Congressmen John Dingell of Michigan, Morris Udall of Arizona and others. While the general public is almost wholly unaware of the bill's existence, it has been the subject of intense interest among a small but powerful group of federal officials who are determined that it not become law. The government's chief environmental lawyer, Assistant Attorney General Shiro Kashiwa, testified at length against it. Then the President's prestigious Council on Environmental Quality added its powerful opposition, despite a recommendation favoring the bill issued by the Council's own legal advisory committee – a citizen group of environmental law experts. At a time when public officials are climbing all over each other to support almost anything that can be called environmental legislation, it is natural to be curious about a bill that has engendered such vigorous opposition from leading members of the Administration's environmental quality team.

The Hart-McGovern bill is an uncharacteristically brief and plain speaking piece of legislation. In essence it authorizes any person to bring suit against a private person, corporation or governmental agency, claiming that the defendant's conduct will result in "unreasonable pollution, impairment, or destruction of the air, water, land or public trust of the United States." If the plaintiff can establish such an effect, the court is authorized to enter a cease and desist order, unless the defendant can prove that there is no feasible and prudent alternative less likely to harm the environment and, in addition, that the challenged activity is consistent with the public health, safety and welfare.

If enacted, the bill would modify traditional law in three vital respects. It would permit initiative in law enforcement to be taken by private citizens, thus ending the virtual monopoly now held by government regulatory agencies over the determination of the public interest. It would permit suits to be brought against government agencies themselves, abolishing the ancient defense of sovereign immunity – a quaint legal fiction embodying the premise that "the King can do no wrong." And it would establish an effective remedy against environmental wrongs by allowing citizens to obtain a court order prohibiting activity that adversely affects the environment; no citizen today has such an enforceable right to environmental justice.

Had such a law been on the books at the time of the notorious Santa Barbara oil spill of 1968, local citizens – who were very dubious about the oil leasing project – would have been able to obtain detailed judicial scrutiny of the proposal prior to the spill. Instead they were compelled to accept Interior Department publicity-release assurances saying, as one Santa Barbara resident later recalled, that the oil companies "had perfected shutoff devices that were foolproof even in such disasters as a ship running into the platform, or an earthquake." No legal action could have been taken at Santa Barbara in 1968; not only would the Interior Department have asserted that it was "immune" from citizen challenge, but it would have noted as well that neither it nor the oil companies had violated any existing law or regulation.

The government's answer to proposals like the Hart-McGovern bill is deceptively simple. If Congress sees an environmental problem, they say, it should legislate explicit standards covering that situation; then private and administrative agency conduct can be tested against a specific statutory standard, rather than against the broad mandate of the Hart-McGovern bill.

The difficulty is that except in a relatively few situations, environmental control cannot be reduced to some statutory formula that automatically covers all situations. Government agencies, for example, must pass each year on thousands of timber cutting, dredging, oil, and highway projects. Each situation presents its own special problems. Unless the Congress were totally to bar timber cutting in the national forests, or all oil drilling on submerged lands (an unlikely eventuality), a judgment must be made in each case as to whether the environmental risks are serious, the available alternatives that are less destructive, and the costs of adopting an alternative solution.

These judgments are not made, and cannot be made, by the President or the Congress. They are made, day in and day out, by relatively low level officials in some regional office of the Forest Service or the Bureau of Public Roads. It is the cumulative effect of these decisions that determines our environmental status, and not the high-sounding rhetoric that flows out of Cabinet offices in Washington. Santa Barbara was the product of such decision-making; so are the present pesticide situation, the high-way behemoth and the

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wretched condition of our nation's air and water.

So long as such discretionary decisions of governmental agencies are immunized from citizen challenge in the courtroom, government officials will retain their practical monopoly over the business of implementing the public interest. No matter how many laws Congress enacts dealing with environmental problems, there will always remain the question of implementation in the particular case. The Hart-McGovern bill is a direct response to *this* problem; and it is in this respect that officialdom views the bill as a dangerous innovation.

As a defensive tactic, the Administration has now devised its own "citizen lawsuit" proposal. The differences between it and the Hart-McGovern bill indicate how sharply the issue is drawn. In the pending water pollution bill supported by the Administration (S. 1014), citizens may bring suit against the federal administrator – but they are prohibited from challenging any decision that is "discretionary." The administrator's "discretion," however, appears to cover all questions as to whether the levels of treatment or the time set for compliance is "practicable." Everyone who has any experience with the regulatory process knows that it is in negotiation over the practicability of compliance with the law that the greatest danger of administrative faltering lies. It is not the formal standards that are ordinarily challenged, but the rigor with which they should be applied in a particular case.

The Administration's proposal thus lets citizens challenge everything but what counts. The administrator remains the boss; members of the public are viewed as officious meddlers in the government's business.

It is extraordinary for government to take the position that citizens – who have the most direct stake – should have no significant role to play in the determination of their environmental destiny. Is pursuit of the public interest to be the exclusive preserve of a professional bureaucracy? This is the question raised by the Hart-McGovern bill; and it is one to which the Administration gives a resounding positive answer.

To be sure, the official testimony against the bill is not stated in these terms. It is said that a bill phrased in such broad terms is unworkable. Yet the entire common law tradition is built upon just such concepts as those that underlie the Hart-McGovern bill. The law of privacy, of accidents, of unfair trade, is based upon no explicit code of rules, but evolves from judicial determinations of prudence and reasonableness as applied to the situation before the court.

Indeed, one of the most significant federal laws ever enacted, the Sherman Antitrust Law, simply says: "Every contract, combination . . . or conspiracy in restraint of trade or commerce . . . is hereby declared to be illegal." The Sherman Act was subjected to the same criticism that is leveled against the Hart-McGovern bill. But in upholding it, Chief Justice Hughes of the Supreme Court said, in language that ought to be taken to heart by the Administration: "As a charter of freedom, the Act has a generality and an adaptability comparable to that found to be desirable in Constitutional provisions. It does not go into detailed definitions which might either work injury to the legitimate enterprise, or through particularization defeat its purpose by providing loopholes for escape. The restrictions the Act imposes are not mechanical or artificial. Its general phrases, interpreted to attain its fundamental objects, sets up the essential standard of reasonableness. . . . In applying this test a close and objective scrutiny of particular conditions and purposes is necessary in each case. Realities must dominate the judgment."

It is also said that courts are not competent to deal with the complex and technical matters that so often arise in environmental controversies. Yet there come before courts every day issues of medical malpractice, industrial accidents and intricate commercial dealing. A judge need not be a physician to try a malpractice case or a Thalidomide case; nor need he be an engineer to try an auto defect case. Cases are decided by the presentation of expert testimony, on both sides, which the court must hear and evaluate. Nothing in any environmental case is more complex or exotic than those matters which comprise the judiciary's daily workload.

As a matter of fact, complex environmental questions already come before the courts under particular statutes. In a recent case in the Colorado federal court a judge had to decide whether a certain area in the national forest possessed the qualities of a "wilderness." The present federal water pollution law authorizes the courts to determine "the practicability and feasibility" of abating pollution if the polluter challenges a clean-up order on grounds it's too burdensome.

Nothing in the Hart-McGovern Bill would impose more difficult duties than these on the courts. Ironically, while a polluter can now come into court and challenge the administrator of the water quality laws for being too tough, no citizen may come into court and challenge him for being too lenient. The Hart-McGovern bill would permit judicial power to be made available to those who want more, rather than fewer, environmental controls. Such legislation is already on the books in Michigan and Connecticut.

As to whether it's needed, perhaps the last word is best left to former Interior Department Secretary Stewart Udall, reflecting on the events at Santa Barbara: "I have to say . . . that at the time we made the Santa Barbara decision there was no dissent in the department . . . The Budget Bureau was hungry for revenue . . . This was a sort of conservation 'Bay of Pigs,' you might say . . ."

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What Duvalier Did

The Relevance of Black Power in Haiti

by Charles William Thomas

Today, when Black Power, Black Nationalism, and back-to-Africa movements are the fashion, and the doctrines of separation, integration, and liberation are being debated, it may be useful to see what lessons can be drawn from the Haitian experience, for Haiti is the only place in the New World where slaves of African origin successfully revolted and set up their own government. Haitians have in recent years been going through a period of soul-searching about their national character and their African origins just as many black Americans are doing, and the late President Duvalier provided a brand of ideology which responded to that cultural yearning. He referred to his initial election as a black revolution. The genesis of that revolution and its consequences are worth noting.

Toussaint L'Ouverture, Jean-Jacques Dessalines, and Henri Christophe, the valiant black leaders of Haiti's struggle for independence from France at the turn of the nineteenth century, are names known to many Americans. Less well known is Dessalines' war-cry against the predatory French planters of colonial Saint-Domingue: "Cut off their heads and burn down their houses." Haiti inherited no "white problem" after the bloody struggle for independence. The whites who were not killed fled the country. In 1804, Emperor Dessalines, an ex-slave actually born in Africa, symbolically tore the white stripe from the French tricolore to make the red and blue flag of independent Haiti.

But Haiti inherited a race problem of a different kind. There were in 1791, when the slave revolt began, at least 28,000 freedmen in Haiti, the descendants of former slaves who had been granted their freedom. Usually the offspring of French planters, who had inherited their fathers' property and married whites, they were mostly light-skinned mulattos, and it is estimated conservatively that they owned at least a fifth of the cultivated land and a fifth of the slaves in the country. Many of them were well educated, but they were humiliated by a growing number of discriminatory laws which segregated them from the white community. The freedmen, accordingly, collaborated with the slaves in the final overthrow of French authority; but in newly independent Haiti, they were still jealously guarding their property rights and their superior social position. Haiti thus inherited two social classes or, more correctly, castes: a small educated mulatto elite, on the one hand, and the black masses, on the other. The elite manned the professions, served as middlemen in the coffee business, and staffed the civil service. The blacks were mostly rural peasants tilling small farms. Over the years many blacks became well educated, but they still encountered the social barrier surrounding the mulatto upper class. Much of the subsequent political history of Haiti is colored by the struggle between these two groups.

Although Haiti is usually regarded as a French-speaking country, that language is spoken by only 10 percent of the people. The national language is Creole, a simplified version of the old Norman-French of the buccaneers, spoken with the accent of African slaves. It is symbolic of the caste system that the mulatto elite prefers to speak French, whereas the great majority of blacks know nothing but Creole. Similarly, members of the elite, at least in stereotype, are partial to the trappings of French culture and try in every way to dissociate themselves from the rural black masses and their African past. In particular they adhere tenaciously to the Catholic faith and its largely French clergy, and look with embarrassed disdain on the voodoo religion of the Haitian peasants. Voodoo is not black magic as some may think. It is the folk religion brought by the earliest slaves from what is now the Republic of Dahomey in West Africa. Some of the ritual of voodoo is spoken in the Fon language of that area.

Since the days of mulatto Presidents Petion and Boyer, who succeeded King Henri Christophe, Haiti has been largely ruled by black Presidents, usually corrupt semiliterate generals. The US occupation from 1915 to 1934 brought a resurgence of mulattos to positions of political power, as Americans in their traditional search for efficiency sought the best trained people for positions of authority. The mere presence of the US Marines brought Haiti out of its isolation and into contact with the modern world. A certain intellectual ferment began to take place as old values were reassessed.

In the late 1920s a group of intellectuals founded a magazine called the *Revue Indigene*, which began to

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This is adapted from a memorandum by the late Charles William Thomas, *a brilliant foreign service officer who served in Haiti.*

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laud the virtues of Haiti's African traditions. One of the most distinguished members of the group was the eminent black historian and ethnologist, Jean Price-Mars. His anthropological studies demonstrated that the Haitian peasant lives within an integrated and viable folk culture which, however backward, merited serious appreciation and respect. Since it developed during the US occupation, this movement often manifested highly nationalistic sentiments.

Grafted on to this indigenous or Africanist intellectual movement, and stimulated in part by it, was a Marxist current brought back from Europe by Haitians who had been exposed to the social and political ferment there. In the early 1930s Jacques Romain returned to Haiti and started the Communist movement. More an artist than a politician – his *Gouverneurs de la Rosée* is an excellent novel about Haitian peasant life – he exercised a profound influence on Haitian intellectuals.

In the early 1940s a publication known as *Les Griots* took up the Africanist cause of the defunct *Revue Indigene* and an older intellectual movement bearing the same name. Borrowing Marxist jargon, it denounced the foreign clergy and other forms of "imperialism" and described Haitian history in terms of the class struggle. A classic work in this vein, written by *Griots* contributors Lorimer Denis and François Duvalier, was *Le Problem des Classes à travers l'Histoire d'Haiti*, a lengthy essay demonstrating that throughout Haitian history the mulatto minority has been exploiting the black majority. This merger of Africanist and Marxist thought reacting against the old elite, however, did not always remain a unified protest movement.

The revolution of 1946 overthrew President Elie Lescot and the political dominance of the old elite, bringing to power a middle-class government headed by black-nationalist President Dumarsais Estimé. His Minister of Public Health was Dr. François Duvalier. Two small Marxist political parties flourished briefly, but Communist activities were outlawed in 1948. Marxist doctrines, after all, were not very relevant to Haiti. The great estates had been distributed to the peasants generations ago, and there is practically no industry to nationalize. Paradoxically, most of the Marxist intellectuals were members of the mulatto elite.

Although his government often viciously attacked the mulatto bourgeoisie, Estimé proved to be quite moderate in his aims. This did not prevent him from being overthrown near the end of his term by a military *coup* led by Paul Magloire, a popular black general, who then collaborated with some of the old elite. He, too, was overthrown when he sought re-election, and after a year of political chaos, Dr. Duvalier was in 1957 "elected" President of Haiti. His election was assured by factions in the armed forces.

The sensitive and soft-spoken black President was a physician by profession. An amateur anthropologist as well, he was steeped in the folk culture of Haiti and was committed to the proposition that Haiti should throw off its veneer of French culture and proudly acknowledge its African origins. The intellectuals of *Les Griots* had finally come into their own. "Black Power" was "Black Pride." There was again a brief merging of Africanist and Marxist sentiments as the President invited several exiled Communists to return to Haiti and lashed out at the mulatto bourgeoisie. Over the years, however, Duvalier showed far greater concern for the Africanist elements in his philosophical mix than the Marxist. He also enunciated some novel political theories. His simple logic was that the blacks constituted a majority; his government was supported by blacks; ergo, Haiti was a democracy. His government became the political expression of what he considered to be the modern African doctrine of *negritude*. He rejected "assimilation" into Euro-American culture. Yet he lacked the sophistication and breadth of experienced of men like Leopold Senghor, the current President of Senegal and one of the originators of the *negritude* doctrine. He had known only the venality and opportunism of Haitian politics.

While being persecuted and hunted by the Magloire regime, Duvalier had gone into hiding in the back-country huts of rural Haiti. In his desperation, he increasingly identified with the Haitian peasants and became a practitioner not only of voodoo but of black magic and spiritualism. He also developed more than an intellectual hatred for the mulatto elite, which became increasingly a contrived political strawman fashioned for his own quixotic assaults. He could not bring himself to admit that the real trouble with Haiti was less the arrogance of its upper class than the woeful ignorance and inertia of its masses.

Thus when the opposition repeatedly tried to overthrow him – discharged mulatto army officers once invaded the presidential palace grounds – President Duvalier reacted with a vengeance. Army officers, black or mulatto, whose loyalty was suspect were summarily dismissed, and a civil militia of rural Haitians, thoroughly schooled in the Duvalierist doctrine of black supremacy, was organized as a counterpoise to the army. He surrounded himself with armed thugs sworn to personal loyalty; and these political goon squads, the *tontons macoutes*, became the real authority and the constant terror in Haiti. Their depredations against political and personal enemies, real and imagined, evoked the cynical Creole proverb: "What black men do to each other makes God laugh."

Duvalier understood nothing of the economics of underdevelopment, the principles of public administration, the complexities of public finance, or the psychology of venture capital. He was at the mercy of

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unscrupulous and opportunistic advisers. Serious affairs of estate were slighted as he undertook such symbolic reforms as changing the blue in the Haitian flag to black. His government floundered and became manifestly more impotent. Haitians of all social strata who had respected the integrity and good intentions of the gentle doctor and believed he would usher in an era of progress and reform became gradually disenchanted. As time went on they were repelled by his repressive tactics, and they learned to remain silent.

Duvalier, brooding in his palace with a Colt .45 on his desk, became so mesmerized by the doctrine of black supremacy that he seriously believed he was the incarnation of the black masses he was destined to lead. Immersed in spiritualism like some latter-day Faust, he devoted his energies and political cunning to the sole end of remaining in power. In 1964, he had himself declared President-for-life.

Haiti is the tragic case of an African people conditioned in the psychic fires of white racism in the New World. Duvalier deserves credit for having tried to instill in his people a sense of pride to replace a sense of shame, for trying to undo, as Frantz Fanon said, what colonialism did to the minds of the colonized. But, Black Supremacy having once been proclaimed, does not translate into a political program.

The consequences of Duvalierism have been costly for Haiti. The administration is in shambles as officials jockey for uneasy positions. Business stagnates as a result of repeated extra-fiscal shakedowns at the hands of thugs. Foreign investors take their money elsewhere. The small and tasteful tourist hotels which held so much promise for the economic future a decade ago are largely empty as tourist agencies direct their clients to more tranquil islands in the Caribbean. The population grows; the coffee crop does not. Duvalier perhaps seriously believed he served the Haitian people, but they, not he, now suffer the tragic consequences of his incompetence. He became the political captive of the street gangs that he unleashed and alienated those who could make a positive contribution to Haitian progress.

Wise men have warned against pretended intellectuals who pose as political leaders. Duvalier was a case in point. For in his back-to-Africa mythology, he took Haiti back to the wrong Africa. He represented the old Africa of the paramount chief and ju-ju doctor whose traditionalist influence a modern generation of educated Africans have been struggling to overcome. The new Africa belongs to the young technicians and political leaders who are teaching, building, and organizing so that Africans, in pride and dignity, can take their rightful place in the modern world.

Dr. Duvalier was not the only black leader who missed this point. Many self-appointed spokesmen for black nationalism have little knowledge of the Africa they romantically revere, and no notion of a strategy or a program to achieve their ends. Blacks in the New World have a right to be angry, but they should profit from the example of François Duvalier. They cannot afford to be silly; there is too much to be done.

Land Reform in America — III

The Case for Redistribution

by Peter Barnes

It's hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money. That same thinking underlies Soviet collectives. What's overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there's nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America *are* efficient at some things – they excell at tapping the federal Treasury and exploit-

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ing hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency – it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficent; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound. Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farmworkers with a fancy new machine, he's not doing anybody but himself a favor. The farmworkers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise – transferring to society at large the ultimate cost of "efficiency" on the large farm.

If the advantages of large landholdings (except to those who own them) are scant, the harmful effects are legion. Several have already been noted: the impoverishment of millions of rural families, and the migration to cities of millions more, with little education or hope of improvement. We expect poor Americans to lift themselves up the economic ladder, yet by cutting them off from productive land ownership we knock out the bottom rungs.

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store. A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large handholdings predominate. A recent incident in Mendota, California – a town surrounded by large farms – helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third – Anderson Clayton – was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations – who've been despoiling the American landscape for the better part of two centuries – than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their offspring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control – a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action, often of inaction. English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation projects and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise ought to be left untouched. This is the strongest argument in favor of leaving things as they are. Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: it is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which ten-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated – as it almost is today. Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities

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needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled land, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens. Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholders' major competitive advantages – their ability to exploit great numbers of poor people – and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy. If farm subsidies are continued – as they should be in order to stabilize farm income – they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. (Per unit payments to individual farmers should decrease, in other words, as the number of subsidized units increases.) Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete against an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing or, for that matter, in oil. The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming – in effect, a forceful antitrust policy for agriculture.

Once small-scale farming is made viable, the second major area for change involves redistribution of land – the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revolutionary concepts;

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America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within ten years. The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners *have* agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquín valley at the moment, pre-water prices as approved by the Bureau of Reclamation are so out of line – higher, in fact than prevailing market prices – that even wealthy persons have not seen fit to purchase excess lands put up for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Rep. Robert Kastenmeir (D, Wisc.), Jerome Waldie (D, Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space. The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Other plans for enforcing the Reclamation Act are worth study. For example, the federal government could purchase irrigated lands in excess of 160 acres and lease them back to individual small farmers or to cooperatives. Or it could buy large landholdings in reclamation areas with long-term "land bonds," which it then would redeem over 40 years with low-interest payments made by the small farmers to whom the land was resold. This would amount to a subsidy for the small farmers who bought the land, but it would be no more generous than the current subsidy to large landholders who buy federal water.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South. Thaddeus Stevens old proposal for dividing up the large plantations into 40-acre parcels is unrealistic today, but an updated plan, with due compensation to present owners, can be devised and implemented.

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to southern California and the Southwest from northern California, the Columbia and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon Administration. Small-farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves. The pro-industry land policy "experts" who formed the Public Land Law Review Commission that reported its findings last year were no friendlier to small-scale farming: they recommended repeal of the Reclamation Act's 160-acre limitation and residency requirement, and adoption of policies favorable to large-scale mechanized agriculture.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous

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enforcement of the 160-acre limitation includes the AFL-CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reform is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

This is the last article in a three-part series on the need for land reform in America.

The New Threat of an Indo-Pakistan Conflict

Nehru's Plan For Peace

by Selig S. Harrison

Twice during his sickly last months, when he knew the end was near, the late Prime Minister Nehru toyed with an ambitious idea for a comprehensive detente in South Asia. It was too ambitious for its time, but the East Bengal tragedy has given it new meaning and validity as a long-term alternative to the present prospect of multiplying Indo-Pakistan conflict.

The essence of the Nehru plan was his conviction that the Kashmir and East Pakistan problems are inseparable parts of the same larger problem. Both are historical accidents resulting from the hurried partition of 1947, he believed, and both symbolized in differing ways the artificiality of the Pakistani "Two Nation" concept with its emphasis on Hindu and Moslem religious identity as the sole basis for the political structuring of the subcontinent.

Nehru never publicly revealed his views on the future of East Pakistan, limiting his overt diplomatic initiatives to the search for a Kashmir peace as the first phase in what he hoped would become a broader process of accommodatiton. In off the record comments, however, he maintained during a memorable interview that a confederal relationship between India and Kashmir might help to promote a similar pattern between West and East Pakistan, setting the stage for gradual movement toward an overall confederation between India, Pakistan and their smaller neighbors.

In the published portions of my interview, appearing in *The Washington Post* on December 19, 1962, Nehru made a controversial reference to the goal of an Indo-Pakistan confederation that became a bogey in relations between the two countries for months to come. Britain and the US were pressuring the Indian leader for a Kashmir settlement at the time, following the India-China border war in the Himalayas. Forced to explain his rejection of the Western demand, Nehru implied that the Kashmir issue could best be resolved within the larger framework of a confederation embracing not only India and Pakistan but an autonomous Kashmir as well.

"Confederation remains our ultimate goal," Nehru declared. "Look at Europe, at the Common Market. This is the urge everywhere. There are no two peoples anywhere nearer than those of India and Pakistan, though if we say it, they are alarmed and think we want to swallow them."

Pakistan promptly justified his prophecy by charging that his comments betrayed the futility of the Kashmir negotiations then about to begin under Western prodding. Nehru dropped his idea until early May, 1964,

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less than three weeks before his death, when he released Kashmiri leader Mohammed Abdullah after ten years in prison and encouraged the Sheikh to go on a peace mission to Pakistan.

Hitherto undisclosed details of the Rawalpindi talks between Sheikh Abdullah and Pakistan's former President, Ayub Khan, underline the intimate connection between the Kashmir and East Pakistan issues and make clear that the tensions between the two wings of Pakistan were already acute seven years ago. When Abdullah mentioned confederation, he recalled in a recent interview, Ayub dismissed the proposal as "a trick to split Pakistan," since Nehru "knew very well" that even exploratory negotiations on the idea would fan the fires of Bengali separatism and lead to demands for separate, coequal status with West Pakistan, India and Kashmir in any confederal setup. Nehru was playing with fire, the Pakistani leader warned, given India's own potential separatist threats in Tamilnad, Kerala and West Bengal.

Looking back on Nehru's initiative in the light of the present situation, it should be stressed that even in his private comments, he did not necessarily envisage complete sovereignty for East Pakistan. He spoke of "more or less parallel processes" in India and Pakistan giving gradually increasing autonomy to both Indian and Pakistan-held portions of Kashmir as well as to East Bengal. The two Kashmirs and the two Bengals would begin to have trade and other interchange as part of a general relaxation in the atmosphere between the two countries. As mutual confidence grew, Nehru hoped for a drift toward overall confederation embracing not only India and Pakistan but smaller neighbors such as Nepal, Sikkim, Bhutan and possibly Ceylon. At this point, as Ayub feared, Nehru assumed that both Kashmir and East Pakistan would escalate their autonomy demands, "though not inevitably to the point of full sovereignty."

Nehru seemed confident that both Srinagar and Dacca would find "advantages in retaining links with a larger unit" so long as their internal autonomy was unfettered. He talked at length about the problem of reconciling local and national identities amid the complex social diversities of South Asia, "a patchwork, you know, ruling out oversimplified solutions that ignore the realities. The more we can have central directing instruments, the better for our development, but where the urge for autonomy is obsessive we must eventually accommodate it." In the Indo-Pakistan confederation of Nehru's conception, it might be necessary in special cases to have "interlocking confederations functioning within each country as well as between them. We must never be too rigid."

Nehru's willingness to see Kashmir autonomous or even independent under a confederation might seem puzzling in the light of past Indian intransigence in the dispute with Pakistan over the Himalayan state. Actually, however, it was quite consistent with the basic rationale underlying the Indian stand. Just as Pakistan demands predominantly Moslem Kashmir as a vindication of the "Two Nation" theory, so Nehru and now Indira Gandhi have insisted that Kashmir should remain with India as a symbol of the Indian commitment to a secular state in which the Moslem minority coexists on equitable terms with the Hindu majority. An autonomous Kashmir in a setting of continuing hostility with Pakistan would only be asking for trouble, India reasons, inviting recurring Pakistani attempts to annex the state. By contrast, Nehru suggested, autonomy or even independence within the context of a confederation would lose its significance as a focal point for Indo-Pakistan conflict.

The confederation idea was predicated on the assumption that Pakistan would be compelled, in time, to reappraise the "Two Nation" theory, and it is a more valid idea today than ever before because the East Bengal carnage has clearly discredited the notion of an overriding Islamic unity cutting across regional and linguistic differences. The events of recent weeks have left West Pakistan saddled with an obsolete national ideology that will be increasingly difficult to sustain in the face of manifest realities. Whatever new raison d'etre is formulated for the existence of a separate Pakistan, it can no longer be credibly founded on the proposition that religion is the only meaningful dividing line in the subcontinent. The "Two Nation" theory was shattered beyond recognition on the night of March 25 when West Pakistani tanks rolled through East Pakistani barricades with their rockets blazing.

At the same time that Punjabi Moslems were gunning Bengali Moslems in East Pakistan, Prime Minister Gandhi won her landslide election victory in India, decisively defeating Hindu nationalist parties on a platform explicitly reaffirming her secular commitment. The 65 million Moslems in India solidly supported her and proved to be a critical factor in many marginal election constituencies. They have never been more secure or more politically powerful than they are today, though there is still a latent potential for communal strife if tension with Pakistan grows into war.

Once the monsoon sets in, it has often been said, West Pakistan will soon be driven to acknowledge that there is no longer a rational or viable basis for its continued rule in the eastern wing and will disengage to cut its losses. Yet the tragic reality of the present situation is that West Pakistan may well be able to postpone its agonizing reappraisal for months or even years despite mounting damage to East Pakistan, to India and to its own internal strength. Lacking a face-saving rationale for disenagagement, the Yahya Khan regime is likely to hang on indefinitely hoping for a total collapse of Bengali will.

Even if this collapse never comes and resistance con-

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tinues, the regime may well find Bengali collaborators capable of restoring minimal law and order behind a facade of phony autonomy. Another factor favoring West Pakistan in the short run is that Indian profiteers and smugglers are prepared to deal with both sides in the East Pakistan conflict. They are eminently ready to supply West Pakistani authorities with one hand, if the price is right, at the same time that they help Bengali independence elements with the other. The ability of West Pakistan to carry on its operations in the East would not be immediately affected even if all new Western aid commitments were to be suspended. Already programmed aid of nearly $200 million now in the pipeline will not be fully exhausted for months, and there is a continuing possibility of large-scale assistance to West Pakistan from China, Saudi Arabia and Iran.

Far from acknowlegding that the "Two Nation" theory is dead, some West Pakistani leaders are seeking to rationalize the debacle in the East by contending that the Bengali Moslems are not really genuine Moslems at all as a result of their relatively recent conversion from Hinduism. Sheikh Mujibur Rahman's Awami League derived much of its strength from the ten million Hindus in East Pakistan, the argument runs, and the lesson to be drawn from the recent unpleasantness there is simply that Hindus should be barred from further participation in the body politic or, still better driven out as refugees. This totally disregards the breadth of the Sheikh's overwhelming sweep of 163 out of 165 seats in the election last December and gives a ready handle to Hindu extremists in India, who maintain that Pakistan will inevitably be anti-Indian whether or not India decides to give military help to the Benaglis.

The vicious circle of distrust between India and Pakistan is steadily intensifying, and yet there are powerful countervailing reasons why it might eventually be possible to move in the direction suggested by Nehru. The most important of these is the increasing magnitude of the refugee influx from East Pakistan into India and the growing impact this is likely to have both in the subcontinent and the outside world. Many in India and Pakistan will no doubt become reconciled to the inevitability of a new war, but more might begin to search for another way as the staggering human and financial costs of the Bengali upheaval force a reassessment of basic attitudes. The Indian government has followed a policy of notable restraint toward East Pakistan which has kept the door open for such a reassessment. Despit intensifying domestic pressures for intervention, Mrs. Gandhi has shied away from recognition of an independent Bengali regime, skillfully playing for time in the hope of averting a major confrontation with Pakistan.

An important subsurface factor helping to restrain Indian recognition has been the fear that an independent East Bengal might stir separatist feelings in the Indian state of West Bengal, leading at the very least to strains on the shaky structure of law and order in densely packed Calcutta and conceivably to a revival of the abortive pan-Bengali nationalist movement of 1947.

While West Pakistan has been in a defiant mood, so far, it is likely to be more conciliatory as time goes on and its problems multiply. Pressures boiling up in East Pakistan will continually frustrate the efforts of the West to reestabish a stable government within the present framework of a unitary state. Even their Bengali collaborators will be continually pressing for greater and greater autonomy. As the costs and complexities of its occupation grow, West Pakistan may gradually begin to take a more realistic view of the sort of loosely federated Pakistan proposed by Sheikh Mujibur.

The West Pakistanis' continuing delay in bringing the Sheikh to trial despite repeated threats to do so suggests that the possibility of negotiations with him at some later date has not yet been irrevocably foreclosed. While General Yahya Khan has branded the Sheikh a traitor, Yahya could step down in favor of a new junta leader who would be free to seek a negotiated settlement without serious loss of face. But no West Pakistan regime is likely to make a meaningful autonomy bargain with the Bengalis, in any case, unless this is accompanied by far-reaching changes in the overall pattern of Indo-Pakistan relations.

Before suggesting in specific terms how the Nehru approach might be applied to the East Pakistan crisis today, it is necessary to examine why West Pakistan blundered into its policy of naked military repression. What happened on March 25 was not the inexplicable behavior of madmen or sadists. It reflected the frankly-stated fear that a sovereign East Pakistan would inevitably link up with India to create a new balance of power in the subcontinent. The excesses committed by the Pakistani Army leaders are only partly to be explained in terms of their vindictive racial contempt for the Bengalis. Basically, their policy of repression demonstrated the deep sense of insecurity they felt when they belatedly realized the extent and strength of Bengali separatism.

Pakistan never fully recovered from the traumatic shock inflicted by the Indo-Pakistan war of September, 1965. After a decade of artificially inflated military expansion made possible by US aid grants, Pakistan had begun to think of itself as the equal of India, a country four times its size. Tashkent marked the start of a painful psychological deflation which had not yet run its course when the Awami League election sweep in East Pakistan last December brought the long-simmering Bengal crisis to a head. Having just come to terms with the fact that they presided over a country one fourth as big as India, West Pakistani leaders reacted

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in desperation to the prospect of a secession that might reduce them to the position of a country one tenth as big. Their anxieties blinded them to the fact that Sheikh Mujibur was actually their best hope of forestalling secession with his plan for a loose confederation.

At bottom, as Ayub's attitude indicated, most West Pakistani leaders continue to believe that India will seek to undo Partition if the chance ever presents itself. Yet from the very start, the overwhelming majority of Indian leaders have been quite reconciled to the existence of a separate Pakistan. Nehru accepted partition unequivocally as a necessary and even desirable adjustment. He wanted the strongest possible central government in New Delhi, and he knew that Moslem majority states under militant Moslem League dominance would be politically indigestible in the new Indian Union. What he rejected was not the idea of a separate Pakistan but rather the "Two Nation" theory, committing the new state as it did to a built-in anti-Indian posture as the only political ethos holding the country together.

The basic precondition today for meaningful progress toward a rapprochement would be reconsideration, on Pakistan's part, of the concept that India is inherently an enemy by virtue of its Hindu majority. For such a complete reversal of present attitudes to come about, however, India would have to make a series of magnanimous gestures of reconciliatiton over the next several years designed to strengthen West Pakistani moderates. The initiative clearly falls to India not only because it is the larger and stronger of the two countries. Even more important, it has the more stable political structure at a time when Mrs. Gandhi has just won a massive parliamentary majority and General Yahya Khan has just led his country into a seemingly bottomless morass.

The most appropriate way for India to help set in motion a process of reappraisal in Pakistan would be to liberalize its policy in Kashmir, beginning with a revocation of the current ban on Sheikh Abdullah's entry into the state. This could be followed by a resumption of the dialogue with the Sheikh broken off at the time of Nehru's death and, at a later stage, by a renewed attempt to open up discussions with Pakistani leaders, either through a summit meeting, a new intermediary effort by the Sheikh or a Tashkent-type conference under the aegis of one or more of the major powers. Abdullah is still the unchallenged spokesman for the Kashmiris as he has been for the past two decades. Mrs. Gandhi indirectly acknowledged the threat he poses to the present pro-Indian regime in Srinagar when she barred him from the state during the recent elections. The pro-Pakistan fringe has given him minor competition in past years but is weaker than ever now in the wake of the East Pakistan butchery.

An Indian decision to engage in negotiations with Sheikh Abdullah would imply a new readiness to grant extensive autonomy to the Kashmiris, and this, in turn, would directly strengthen those in Pakistan who are beginning to rethink their relationship not only with East Pakistan but with India as well. In Pakistani eyes, Indian willingness to give autonomous status to a Moslem-majority area would be a powerful signal reaffirming that New Delhi is genuinely reconciled to the existence of a separate Pakistan. This would not be a betrayal of secular principles, because Abdullah and most other key Kashmiri leaders are not committed to the "Two Nation" theory. They are regional patriots committed to self-determination for a distinctive Himalayan area set off by geography and history from both India and Pakistan, an area that happens to have a Moslem majority but is also distinguished from the Moslems and Hindus of the plains by the spirit of independent identity common to mountain people the world over.

The psychological impact on Pakistan of an autonomy policy in Kashmir would be maximized if the state is given special status without alteration of its present ethnic and religious composition. This would place the Hindu minority in the Jammu portion of the state under the political domination of the Kashmir Valley Moslems without the offsetting strength of Hindu political elements in New Delhi as at present. It is precisely to obviate this possibility that some Indian leaders have long proposed the partition of Kashmir and the annexation of Jammu by the neighboring Punjab state. But even autonomy for the Vale alone, with Jammu detached, would still be a far-reaching step, opening the way to rapprochement.

Given the obvious obstacles to direct talks between India and Pakistan in the forseeable future, the Sheikh might meet initially instead with leaders of Pakistan's "Azad" (Free) Kashmir with an eye to the phased introduction of trade and transit arrangements. Later, India could propose a mutual reduction of forces along the ceasefire line, and at this stage direct contacts might follow naturally. New Delhi could make indirect efforts during this period, through diplomatic channels, to encourage acceptance of a confederated East Pakistan by offering some form of internationally-attested undertaking to respect the new arrangement. But the first, experimental arena for accommodation would necessarily be in the two Kashmirs rather than the two Bengals.

It is somewhat misleading to bracket the Indian regime in Kashmir with West Pakistani rule over the Bengalis, if only because Indian military repression has never begun to approach the mindless brutality demonstrated in East Pakistan. In contrast to West Pakistan's unabashed economic exploitation of the Bengalis, India has used the velvet glove along with its iron fist, lavishing costly rice subsidies and development programs on the Kashmiris to dull the edge of

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discontent. Nevertheless, while the two situations cannot be directly equated, they clearly invite comparison, and both symbolize in differing ways the basic psychological problems dividing India and Pakistan.

The influential *Hindustan Times* has editorially pointed to the Kashmir issue as the key to stimulating a process of rethinking in West Pakistan. Attacking Mrs. Gandhi recently for banning Sheikh Abdullah's entry into Kashmir, the newspaper declared that "if ever there was a need for a liberal policy in Kashmir it is now. If the events in Bengal have any lesson it is that repression does not pay and cannot win in the long run. The eruption in Bangla Desh will in time be seen to influence thinking in Kashmir and on Kashmir. Pakistan has sought to legitimize its claim to Kashmir by projecting it as the unfinished business of Partition. However, Partition has long passed into history and it is the concept of Pakistan and the kind of polity it professes on which there will be questioning."

Sheikh Abdullah made clear in a recent interview that he sees a direct connection between the Kashmir and East Pakistan problems and still believes in the possibility of an overall Indo-Pakistan understanding along the lines envisaged in his 1964 discussions with Nehru and Ayub. Significantly, he does not attempt to make a case for a sovereign East Pakistan, and his concept of what would constitute a tolerable measure of "maximum autonomy" offers new clues suggesting the possible outlines of a Kashmir compromise with New Delhi.

India has been making "a hue and cry for the Bengalis," Abdullah observed bitterly, "but they apply a double standard when it comes to Kashmir. How can you control the minds of people anywhere with guns? This should be brought home to the people of India. What holds true for the people of East Pakistan holds equally true for Kashmir."

The Awami League leaders "were seeking virtual separation," he said, "and Yahya felt he was stopping the disintegration of Pakistan. Now, if he has learned any lesson, he will concede maximum autonomy to the eastern wing, and perhaps a way will be found for them to stay together for some time. If they allow the people of East Pakistan to be real masters in their own house it will not be to their disadvantage to have some sort of link with the western wing. It would be helpful to them. But they must have maximum autonomy, subject to the overall solidarity of Pakistan."

Bengali autonomy would not extend to foreign trade as sought by the Awami League, Abdullah added pointedly, implying that Sheikh Mujibur had overplayed his hand after Yahya provoked him by postponing the Constitution-drafting session of the National Assembly without consulting the Bengali leader.

Like Nehru in 1964, Abdullah seems to be thinking in terms of coordinated autonomy moves in both Indian and Pakistani-held portions of Kashmir and views an agreement on Kashmir merely as the first step in a continuing cycle of accommodation. He contends that no Kashmir solution would have meaning "unless Pakistan is brought into it from the start." Even with "maximum autonomy" in its relations with India, he observes, the Kashmir Valley would still depend for its welfare on a relaxation of tensions along the cease-fire line and the reopening of the road from Srinagar to Rawalpindi, a traditional trade route closed for more than twenty years. Abdullah's formal public position on the nature of a Kashmir settlement is deliberately vague, stressing only that an enduring solution must be acceptable to India, Pakistan and Kashmir alike. But the logic of private comments by the Sheikh today and by Nehru in his last years points to a form of mini-confederation between the two Kashmirs, operating at the same time that they each retain links with New Delhi and Rawalpindi. In Nehru's case, this was clearly suggested in my 1962 interview, and the idea of free interchange between two autonomous Kashmirs was explicitly viewed as the precursor of a larger confederal relationship between New Delhi and Rawalpindi in later years. In such a relationship, Nehru remarked, East Pakistan, too, should "logically" gain greater autonomy.

The possibility of full independence for East Pakistan as a coequal of India and West Pakistan in an overall confederal arrangement would be greatly enhanced if the smaller powers in the region were to be brought into the equation. Both Nehru and Abdullah saw Nepal, Sikkim, Bhutan and possibly Ceylon as potential members of a South Asian confederation or of less ambitious arrangements patterned on the European Economic Community. This is a key point, since West Pakistan would naturally look to these countries as offsets to Indian power. Rawalpindi might even seek to include Afghanistan, not as wild an idea as it first sounds when one considers the already growing overland truck traffic through the Khyber Pass and the logic of extending this traffic across the Punjab plain to India.

"Looking ahead historically," Abdullah declared, "confederation is the long-run direction that the minds of the leaders should take. But we obviously cannot put the cart before the horse. The first necessity is for India to attempt to remove the deep suspicions in Pakistani minds. If both sides learn the lessons to be drawn from Bangla Desh it might be possible, in time, to make a new start toward stability in this region. Perhaps at some point friendly powers can assist in this process, slowly, steadily helping bring the parties round to this way of thinking."

Prime Minister Gandhi reacted sharply during an interview in New Dehli last month when I recalled her father's 1962 and 1964 proposals and asked about the possible value of a new start now on Kashmir and other

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Indo-Pakistan issues. "We have been suggesting new starts all along," she said, "but their whole attitude seems so far from ours and so hostile." She was coldly noncommittal as to whether she will extend the ban on Abdullah when it expires in early July. In her comments on East Bengal, however, she talked more expansively about the impact of the crisis on the subcontinent as a whole, expressing a fervent desire to keep it from becoming a source of conflict with Pakistan and implying a corresponding hope that the problem might yet be resolved through a negotiated settlement between Rawalpindi and the Awami League.

In assessing the role that India might play in untangling the present crisis, it is especially pertinent to note her comment that the demand for an independent East Pakistan "would not have arisen" if Sheikh Mujibur and Yahya had continued with their negotiations on a confederation. New Delhi has carefully avoided giving categorical recognition to the legitimacy of an independent Bengal and could advise the Bengali leaders with complete consistency to give up their goal of full sovereignty for the foreseeable future.

Even after all that has happened, the last, best hope for a stable evolution of the subcontinent would appear to lie in a renewed attempt to negotiate some form of loose confederation agreement between East and West Pakistan as a means of inducing Rawalpindi to disengage. The terms for such a settlement would be demanding for both sides but not beyond the realm of possibility. The West would have to begin by releasing Sheikh Mujibur and dealing with him as the principal spokesman for the Bengalis. The majority of West Pakistani troops would eventually have to be removed as the unavoidable price for the excesses committed during the past two months. This was not something that Mujibur had demanded in his March negotiations with Yahya and would give the Sheikh a visible victory. But the Sheikh's Awami League might also have its own concessions to make in the form of scaled-down demands for independent trade and monetary policies.

The support or acquiescence of the United States and the Soviet Union would be an essential element in bringing about such an agreement. The US and its World Bank allies would have to make future aid to Pakistan conditional on movement in this direction, and Washington would have to abandon its long-standing objective of preserving a "balance" between India and Pakistan, urging Rawalpindi to accept its subordinate position gracefully in a new effort to forge a more secure and a more realistic relationship with India. This would require a much greater adjustment in current thinking for the US than for the Soviet Union, which has always emphasized India in its South Asia policy and has even gone to the extent of questioning the wisdom of partition.

Imperialist "divide and rule" tactics led to the division of the subcontinent, Nikita Khrushchev declared on a visit to Kashmir in 1955, "and we are absolutely convinced that when passions have calmed down and people realize the significance of such an artificial division of India, they will regret it."

The attitude of China is a major imponderable and could conceivably lead to the deliberate obstruction of a confederation effort. In terms of their tangible interests in Pakistan, however, the Chinese would appear to gain little from such a course. Their major immediate objective in Pakistan appears to be air and overland access in West Pakistan to the Arabian Sea, utilizing their new road links from Tibet into Gilgit, and this is likely to be secure whatever happens in East Pakistan. Only direct Indian intervention in East Pakistan is likely to be regarded as a threat to their position. The initial Chinese commitment to West Pakistan has been carefully modulated in response to what the USSR and the US have done. In part, this may reflect concern for the Maoist image among Bengali Communist factions, but it may also suggest that Peking wants to allow for a possible moderate shift in its border dispute with India. New Delhi, for its part, hopes to reduce tensions with China in order to avoid excessive dependence on Moscow and Washington.

Important as it is, the role of the outside powers can only be a marginal one with a limited potential either for easing or prolonging the present crisis. The real issue is how India, Pakistan and the Bengali independence leaders assess their own interests. For the Bengalis, in particular, the very idea of a negotiated settlement might well prove to be totally indigestible after the brutalities of the past two months. The Awami League leaders understandably fear that even a nominal link with Rawalpindi would give a target to armed militants continuing to seek full independence and create a built-in challenge for a new East Pakistan. Yet the Bengali moderates have no real alternative but to make the best of a political settlement, if one is available on tolerable terms, since military liberation by New Delhi would leave a legacy of even greater instability, virtually ensuring Chinese support for the opposition guerrillas.

An accommodation between Dacca and Rawalpindi under present circumstances by its nature would be a contingent experiment placing the onus on Rawalpindi to demonstrate its bonafides. It would not necessarily signify abandonment of the independence goal but rather a recognition that its achievement is inseparably wrapped up with the larger fabric of relationships in the subcontinent. There is no escape from the bitter conclusion that enduring independence for the Bengalis will come, if it ever comes, only as part of a general relaxation of tensions between India and Pakistan and purposeful movement toward a confederated peace inspired by the Nehru vision.

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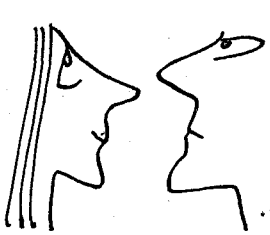
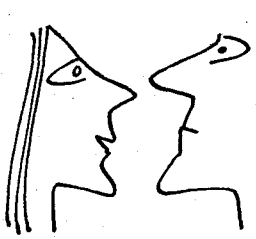
NOSTALGIA '73.





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Stanley Kauffmann on films

Prison and Other Punishments

One Day in the Life of Ivan Denisovich (Cinerama). The sure thing often turns out to be shaky. What a great film this would make, lots of people thought. What a failure it is.

Some of the reasons are in the way it was done, but some of them were unavoidable. Why did Solzhenitsyn's novel have such tremendous impact? Two explanations, I think. First, its quality of density, the feeling that lifetimes of suffering and isolation had been packed into a very short book. Second, it was originally published in, and therefore approved by, the very country that had done these cruelties; so it seemed a national act of self-revelation and a token of change. (False, as it turns out.)

As for the first point, the miracle of brevity is lost. This is a normal-length film, 100 minutes (and seems longer). There is no effect of titanic compression. As for the second, the sense of revelation is impossible. Everything in it has already been revealed; and, more important, this project is in the hands of non-Russians, which makes it more accusation than revelation. Compare Jancsó's films about Hungarians, *The Red and the White* and *The Round Up*, and you see the difference between a critical film made by a citizen and one made by outsiders.

Of course there are other differences, too, between this film and Jancsó's. Tom Courtenay, the Ivan, is a twerpy sort of actor, as rotten a choice here as he was for the revolutionary in *Doctor Zhivago*. Shaving his head and blacking out some teeth don't give him depth. Sven Nykvist, who has done so much wonderful photography for Bergman, seems the wrong cinematographer here. He doesn't prettify, but he does iconize. See the scene in the medical office, which looks abstract and thoughtful, rather than oppressing. And too many of the outdoor shots (done in Norway) could go on calendars. Dostoevsky told us that Siberia is often beautiful, but here the lack of tension in the foreground deprives the gorgeous background of irony.

Fault the director, Caspar Wrede, for that empty foreground. Every foot of the film has the focus and rhythm of thousands of prison pictures we've seen before. Only one brief shot is really sharp: a quick glimpse of the Captain, confined to solitary without his jacket, beating himself to keep warm in the forty-below temperature. We know he must lose; and die. It's a moment of frantic resignation.

10 Rillington Place (Columbia). In 1950 a young, dim-witted man named Evans was hanged in London for the murder of his wife and child. The testimony of his landlord, Christie, had helped convict him. A few years later it was discovered that Christie had been responsible for those murders and for others. Ludovic Kennedy wrote a book (I've only glanced at it) on this macabre miscarriage of justice, which helped spur action against capital punishment in Britain. Clive Exton has written the screenplay.

The trouble is, he hasn't. He has, apparently, merely condensed the book. The horror of Christie's psychosis, the frightening buildup of circumstantial evidence against Evans, the pathos of his finish, all are there but muzzy because of the film's disproportions. There is so much accumulation of detail that the peaks are not peaks. The book hasn't been *dramatized*.

And Richard Attenborough, as Christie, doesn't help. He whispers a lot, through specially elongated teeth, but he lacks grip. Attenborough has sometimes been forceful; here he's a character-actor bore. And Richard Fleischer, the director, has underscored his weakness by pacing the dialogue so slowly. I thought *I'd* commit murder if there were one more four-second pause before and after "Have a cup of tea."

But John Hurt, as Evans, is first-class. In one respect Hurt is like Albert Finney: a basically undistinguished face that comes alive through inner life. He has a good voice – he uses a Welsh lilt here – that cuts to the core of what he says. His moments of desolation are moving.

Waterloo (Paramount). A defeat. Still, an interesting idea. Sergei Bondarchuk, who directed *War and Peace*, has here avoided most of the battle clichés of his Borodino, all the trite intercutting of big shots and little shots, and has tried to treat this battle as a titanic chess game between Wellington and Napoleon, cutting from close-ups of one to the other, with the movement of large units treated like the movement of chess pieces.

The horses are marvelous, and the chance to see a spectacle of this size is getting rarer and rarer. But, despite all the gab, the battle tactics are never clear. Christopher Plummer, as Wellington, behaves as if his appearance

(*Continued on Page 32*)

Films Worth Seeing

Claire's Knee. Eric Rohmer's chaste and fascinating study of early middle-aged desire, in a style that is utterly, if quietly, cinematic. Diderot would have liked it.

La Collectioneuse. Also by Rohmer, also about desire. Somewhat less chaste and considerably less complex, but still gratifying. Nestor Almendros photographed both Rohmer films in delightful color.

The Confession. Costa-Gavras, who made *Z*, has made less of a thriller and more of a Koestlerian drama about the 1952 purges in Czechoslovakia. Yves Montand is the century's victim.

Derby. Roller, that is. A quasi documentary about a young man who wants to be member of a racing team. Robert Kaylor, director and cameraman, has caught the rink world and the world around it.

Little Big Man. Lots of gore and also considerable humor in this morality tale of a trapper who lives to 121, alternating between white and Indian societies. Arthur Penn directed, but Dustin Hoffman makes the film.

Patton. Re-issued. A generally gripping film, damn it. George C. Scott is monumental, Franklin Schaffner has directed deftly. Fred Koenekamp has photographed stunningly. Hold on to your gorge and go. SK

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Carnival Ducks and Acute Social Criticism

Birds of America
A Novel by Mary McCarthy

(Harcourt Brace Jovanovich; $6.95)

When I first heard of the title of the new Mary McCarthy novel, I thought it was a promising and inventive notion; it seemed to suggest another of those panoramic canvases like *The Group*, in which we see depicted the deft skewering of fool after fool, their follies borne before them like banners. *Birds of America:* a variety of feathered friends plucked alive, with perhaps some of the connotation of *bird* as in the incredulous and faintly contemptuous phrase, "What kind of bird is *he*?"

My guess wasn't all off, but the title is richer and more explicit than I had anticipated. The young hero of the book, Peter Levi, is literally a bird-watcher, and the narrative is full of real birds, from the dead Great Horned Owl of the first sentence to the ill-tempered swan, whose bite has put Peter in the hospital, of the last chapter. In between there are coveys and flocks of birds, both actual and metaphorical. The metaphorical birds are clearly the ones to keep our eyes on, and they range from Peter's mother, who was "like an American bird – the rose-breasted grosbeak, for instance, modest and vivid," to his and his mother's neighbors in Rocky Port, Retired Birds with bright plumage and firm opinions, from the Stupid Hawk (temporarily perched in Paris with NATO) to the great migratory species called the Tourist Bird (with its subspecies: schoolteachers, Beats, homosexuals). Miss McCarthy and her protagonist have in hand an amusing and fertile image, worth any two in the bush.

When Peter's father, an emigrant Italian Jew, first met Rosamund, Peter's mother, Rosamund asked him what he liked about America. "I like the American birds." This reply made Rosamund fall in love with him, and years later, when Peter hears the story and asks what his father had meant, his mother wasn't certain: "Maybe he just meant they were different from the ones he knew." It's this famous difference, this singularity of American types, which is, I think, the point of the narrative, and it's Miss McCarthy's attempt, in the words of her epigraph, to "embody the Idea in an example" that we witness, the example being, primarily, Peter Levi.

Among other things, the novel is a hymn to the American Boy, wonder of wonders, who sees himself as a latter day Don Quixote and Candide (a gathering of forebears to which we are likely to add Huck Finn and Holden Caulfield). It's spectacle enough finding something other than acid in Miss McCarthy's pen, but the real surprise is her choosing an adolescent male of the '60's as her protagonist, as the object of admiration and praise. He's no Reichian, garden variety flower child, but the finest blossom, the noblest bird we have, pure in heart and body, intelligent, committed to the cause of racial equality, equipped with some loosely gathered philosophical dicta, out to do battle with the mad world.

The mundane specifics of the battle are these: the first part of the novel tells of a fall and summer in 1960 and 1964 Peter and his twice-divorced mother spend in the New England village of Rocky Port. At the end of the summer of '64, Peter leaves for his junior year abroad, at the Sorbonne, and the second part of the novel recounts his fall and winter in Paris and his Christmas vacation in Rome.

What story there is in this time span (and there's not much conventional story: disconnected episodes, but mainly an endless quantity of essaying, arguing, thinking hard about big problems) is a story of misadventures, doing the wrong thing for the right reason. He is his mother's boy, and they are both ferociously concerned with the Quality of Life, so much so in fact that one wonders how Peter has time to study (particularly Kant, his chief mentor) or his mother, a concert harpsichordist, time to practice. The world is going to a plastic hell, and Peter and his mother are like two endearing Great Auks, reminders of America's simple and noble past.

They search feverishly for old-timey jelly glasses, fresh fish with their heads intact, noninstant tapioca, a waterfall they once loved now mysteriously devoured by an interstate highway. When Peter discovers the Great Horned Owl has died during their time away from Rocky Port, he is told his lesson by the bird's neighbor: "You have to expect changes." It's an argument his mother would never countenance, but Peter is made of more complicated stuff. His weapons are the Categorical Imperative and a theoretical devotion to *Egalite*, scored alike on many of the buildings he sees in Paris and on his heart. His conflict is between the Quality of Life – which seems inescapably to promote the esthetic, the personal, the aristocratic, art and architecture, the beautiful and the natural – and the Justice of Life, which seems just as inescapably to promote the ethical, the impersonal, the democratic, the ugly and the plastic. In a long letter to his mother he criticizes her, agonizes over the battle, and temporarily opts for justice, but it turns out to be mostly bravura rhetoric and the battle goes on. The funniest and most revolting passage in the book is Peter's account of his trials with communal toilets – a test of the brotherhood of man if there ever was one. And there are other good and dramatic set pieces: his despair at the hordes of tourists who interrupt his contemplation of the Sistine Chapel, his manly, bumbling attempts to treat the *clochards* of Paris humanely.

I doubt that this conflict is a peculiarly American one, but I suspect Mary McCarthy has found something of a real American type in Peter; the passion for what is *right*, the earnestness, the infinite scrupulosity, the incessant guilty questioning seem the marks of a familiar, homely, and on the whole valuable species. But the boy is not nearly as attractive or lovable as Miss McCarthy evidently thinks he is, and that's probably her fault. Here is a 19-year-old with no sexual experience and apparently not much appetite (a few years before he'd given up masturbation for awhile because it didn't seem *fair;* his mother had no outlets), no rough edges, no depth. His prejudices, tastes, and opin-

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ions frequently gibe so perfectly with what I take to be Miss McCarthy's that it's close to hearing a ventriloquist's dummy: the military is, as always, coldly loathsome, the worldly Bernini can't hold a candle next to that wonderful madman, Borromini, and the supreme pleasure is scrutinizing the lesser figures on the Sistine ceiling (as a matter of fact, much of the chapter describing Peter's holiday in Rome sounds like the rough draft of a book to accompany Miss McCarthy's volumes on Venice and Florence).

Ventriloquism is surely a sister art to the novelist's, but a ventriloquist, like a novelist, must have more than one voice, and that seems to me Miss McCarthy's trouble, in all her novels, including this one. Her own voice is so strong, clear, sure, her own mind is so interesting, the attitudes and opinions are so intelligently formed and convincingly deployed that the poor characters never really have a chance. They are either an attenuation of her, whether gentle dove or fierce jay, or they are not real birds at all, only plastic carnival ducks floating by, whose only purpose in life is to be knocked over. There's nothing dishonorable in this and nothing particularly new in my pointing it out: it just means the novels are not really novels but immensely learned travel books, razor sharp essays on manners and mores, acute critiques of foreign policy and domestic madness.

James Boatwright

Respect for the Departed

The New Exiles: American War Resisters in Canada by Roger Neville Williams

(Liveright; $7.95)

Before reading Roger Neville Williams's book, I opposed the idea of exile; nor was I impressed by the people who would use or advocate the tactic. Certainly, I thought, these are second-class revolutionaries when compared to those who went to prison for their convictions. But because Williams has shown, in admirable fashion, the validity of exile in the antiwar movement, I think it important that anyone with prejudices like mine read this book. Far from being a *negative* response or a *rejection* of something precious (AMERICA!), exile is a positive act and, for deserters, the only meaningful step. Contrary to the languor and dissociation which Dr. Willard Gaylin found in his war resisters (*In the Service of Their Country: War Resisters in Prison*, Viking), Williams records a very positive outlook in the exiles. As he says (correctly, I think) in the introduction, the book "is not an angry polemic meant to join the long shelf of antiwar books. As I became involved with American exiles, deserters in particular, it became apparent that although their protest against the United States, their politics of anger and frustration, fit into the *anti* category, the story here was very *pro* – optimistic, good, promising. It was clear that the whole story of young Americans coming to Canada, if it were told in its entirety, would be essentially a *positive statement*." One of the deserters profiled in the book said it even more eloquently: "I can't spend my time looking down at the States impotently when there's so much to be done around me. There's such an opportunity in Canada to participate in life. For me that's the first priority, not to deal a death blow, but to participate in life."

The history section is brief but commendable. Although the discussion of the movement in the US is necessarily abbreviated, the description of the Canadian situation is illuminating. I had no idea of the scope of the exile aid programs, for example; I thought the Toronto Anti-Draft Programme (TADP) handled everything, but apparently each province has a program going. Nor did I realize the impact that the recent influx of deserters has had both on Canadians and on earlier exiles, mostly draft dodgers, who were already "landed" – the phrase for those with immigration status. According to Williams, the middle-class, college-educated resisters have not been able to understand the younger, not-so-well educated, working-class deserters, with the result that the deserters have been forced to form their own aid groups. Finally, I was unaware of the intricacies of the Canadian immigration policies, including the crisis of July 1968, when the minister of immigration issued a memorandum seemingly giving border guards discretion over the immigration of deserters. The guards misunderstood the directive, and many deserters were subsequently denied entry, and some were even deported. After a public outcry, the policy was clarified, so that deserters could come and stay if they had their fifty points. (Points are given for such items as savings, a car, education, work experience, and a skill. For the most complete information consult the TADP's *Manual for Draft-Age Immigrants to Canada*, published by the House of Anansi, Toronto. According to Williams, by 1970, there were 65,000 copies in print.)

In that fashionable genre which William O'Rourke has labelled "tape-recorder-aided journalistic sociology," Williams provides profiles of three resisters and nine deserters, plus one woman who is neither but has exiled herself anyway. For the most part the profiles are interesting, although a bit heavy with moralizing. The politics of those described are diverse. Some, engaging in what Williams calls a "private" revolution, couldn't care less what happens to either Canada or America. Others have become socially active, aiding their fellow exiles or working with Canadian welfare groups. It is plain that Williams is most impressed with the military deserters, whose biographies are filled with tales of narrow prison escapes, inhuman punishment in black boxes at the stockade, and war atrocities. These are men who have seen the war and rejected their citizenship. Like the vets who threw their medals on Nixon's lawn, they act from the strength of experience.

Their rejection brings up the issue

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of amnesty. There are perhaps 100,000 exiles in Canada, including half a division of deserters. When can we expect to reintegrate them into American life, if at all?

Williams favors immediate amnesty for all exiles, since in his view they have committed no crime, but the problem, like that of the release of POWs, will obviously not be settled until the cessation of hostilities. In any event the critical issue is not amnesty, but *humane asylum for deserters*. Many deserters simply can't get "landed," because the immigration laws discriminate against the poor, the uneducated, and the unskilled. Unless these men are given asylum, they must go underground, or face the stockade – a brutal experience, which the Presidio case underscored.

So it appears that many exiles are going to remain in Canada for a while at least, voluntarily or not. Whether their attitude toward their new homeland will change, especially after the recent imposition of the War Measures Act, is a matter for speculation. In an article which appeared in these pages ("Strong-Arm Rule in Canada," Jan. 30, 1971), Williams seemed apprehensive about the passage of the Public Order Act (which expired April 30) giving sweeping powers to the police. It is worth noting, however, that during the whole crisis, not one American war exile was deported.

The question remains as to what the Canadians will do if American exiles get more politically involved in internal affairs. Most of the Americans have been fairly quiet so far, their biggest united display coming at the 1970 Pan-Canada Conference of Deserters and Resisters. With anti-American sentiment already high, will the exiles be relegated to second-class citizenship, becoming another group of "white niggers," Pierre Valliéres's term for the Quebecois? Adding to all these frictions is the job squeeze, which is twice as severe north of the border as in the US.

This is an important book, especially for anyone involved in the antiwar movement, because it untangles a thorny problem. No one can read it and argue that the exiles have made a strategic or ethical error. This is not to imply that those who have chosen prison, the underground, or conscientious objection are wrong; but they are no holier merely because they have

"McCarthyism did not die with McCarthy..."*

Photo: UPI

*"The rhetoric and tactics of the [1970] campaign, masterminded by President Nixon from the White House, were purest Joe McCarthy. When George Wallace spoke and, later, Vice President Agnew, they *appealed to the same dark, atavistic recesses of the American spirit.*"*

—FRED J. COOK

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"Fred Cook has written the finest book we have had on the McCarthy era, and its significance for the U.S. The younger generation would do well to ponder the lessons of this history as they challenge an administration which is not staffed by those hostile to the McCarthy legacy."

—H. H. WILSON, Professor of Politics, Princeton University

THE NIGHTMARE DECADE

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remained in the United States.

Finally, a personal note: In 1969, I talked with a convicted draft card burner who seemed resigned to a prison term, even though it would mean giving up a promising career in nuclear physics. I learned later that the man never reported to federal authorities. His friends told me he had split for Toronto, would be teaching at the university, and would be able to finish his doctoral thesis. Instead of doing a "zip-six" – the usual zero-to-six-year penalty given to those convicted under the Youth Corrections Act – this young man had chosen a life term in Canada. I didn't agree with his decision then, but after reading this book, I respect his decision and those of his hundred thousand brothers and sisters in exile.

Robert Cassidy

The Bear and the Hummingbird

At the Edge of History: Speculations on the Transformation of Culture by William Irwin Thompson

(Harper & Row; $6.95)

First Things, Last Things by Eric Hoffer

(Harper & Row; $4.95)

Like a number of recent commentators on the passing scene, William Thompson may be classed as a futurist, as a thrower of straws and a reader of tea-cup sludge. But he is a particular kind of futurist, enwrapped in myths, primitive rituals, and modern fables: Jung, Tolkein, Pyncheon, Chomsky, Marx, N. O. Brown are all grist for his amazing mill. As a disciple of Yeats (his first book was *The Imagination of an Insurrection: Dublin, Easter 1916),* Thompson is something of a mystic himself, who finds transcendent implications in patterns of repetition. For Thompson, as for Yeats, archetypal "form" is the thing, and his book is a reading of History – and Himself.

Modesty is not Thompson's vice, moreover, and though he stops short of claiming shaman stature, his book is definitely what the Kids call an ego trip. It commences with literal journeys, to Los Angeles (a return to his homeplace), to Ireland (his folkplace), and to the Esalen Institute (his displace), before setting off for magic realms of conjecture. At first reading, I found these early chapters overly self-conscious and even pompous, and soon tired of Thompson's "astonishment" over one of his own realizations, and his "brooding" over some one of his ideas. The chapter on Esalen drips like a rain forest with the dropping of Names, most of them with more public resonance than William Irwin Thompson. There he is, right in there with the Big Ones, setting things to order with trenchant remarks (the fruit of "brooding") and, to climax it all, putting Joan Baez in her place. Sort of.

A second reading, however, gave all this perspective, and though the prevalence of "I" still nettled, it began to take on the understandable resemblance to the sprinkled columns of some ruined Greco-Roman temple (i.e., IIIIII). For Thompson *is* an important part of his own landscape, his book having been spun out of the substance of his private history. He is a Cali-

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fornian. And Irish. And was out of place at M.I.T. (where he taught for some years). And is now brooding in self-imposed exile in Canada. As a Californian, he is big with a sense of having lived on The Edge of History, a product of the Last Frontier, whose westerness kept him staring across an infinity of ocean to that farther West, which turned out to be the East, less a Future than a universal Past.

Because of his heritage, Thompson is full of a mythic fervor (call it religiosity) and displays a Jesuitical wizardry with words and logic and silver-tongued bullshit. This is a dangerous man to have around MIT, which was built on an ideological San Andreas fault of hypocrisy-cum-innocence, a crafty crust of Humanities over a soft belief in the efficacy of technology to solve the problems of the future. The Future, if I read Thompson right, will take care of Itself, as It has always done and always will do, and It is seldom what futurists of the MIT variety think It is going to be, that is to say a projection of the Present. According to Thompson, It will be a recrudescence of the Past.

Following his MIT chapter, Thompson treats his reader to another hundred or so pages of magical mystery tour, leaving his concrete, physical, historical self behind there in Toronto for a whiz-bang voyage through myth, mind and mankind, structuring Yeatsian mandalas of conflicting polarities (quaternities, as good as mandalas should be) which serve as a sort of Tarot pack by which one may read the future in the symbols of the past, and conversely, the past in the future. What we are given, in short, is Ancient Wisdom in New Guise: "The truth is what emerges in the field of the sphere as one man engages his opposite in conflict." As always, when Western Mind tangles with Eastern Thought, what results is a species of Transcendentalism – mystic fascism – with such Schlegelian pronouncements as: "Looking at the civilization expressed in the wheel, we see a tragedy in which the artistically uncompromising vision of the poet has demanded that his art transcend his mere opinions; each character is to be presented as simultaneously right and wrong so that the truth will be expressed, not in the characters, but in the epic. And that is the timeless Homeric vision."

By reducing Thompson's argument to its historical analogues. I do not mean

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to dismiss it as the same old wine in pop bottles. Thompson's *Edge* is to Reich's *Greening* what chess is to Chinese checkers. Towards the end, he attempts to obey the suggestion by Daniel Bell which proved so futile at the proceedings of the American Academy of Arts and Sciences' Commission on the Year 2000: to "think wild." What he proposes, among other things, are some absolutely startling and even unnerving suggestions about the very real possibility of antediluvean civilizations such as Atlantis, that as yet invisible Past which may yet make our Future visible. One comes away from this book as from a magic show, dazzled if not convinced, and if you have nothing better to do this summer, you might plan a trip to *The Edge of History* and take a look for yourself. It *is* wild.

If "wild" doesn't describe the latest growlings of our resident Peasant Philosopher, Eric Hoffer (und Poffer), "tame" doesn't suit them either. Hoffer is a kind of half-trained bear, sometimes clever, sometimes amusing, sometimes frightening as he takes a run at the audience only to be brought up short on his fraying leash. One always has in mind his short, powerful frame, his sheer physical presence and bulk, and is always aware of his Antaeus-like quality of deriving strength from the earth he stands on. His style reflects this earthiness also, short, powerful jabs of sentences, simple but workmanlike – hammer blows of common sense – the manifestation of an intelligence which must always be classed as shrewd rather than brilliant, but a transcendent kind of shrewdness which often accomplishes what brilliance fails to do. The bear sees many things overlooked by the hummingbird.

Considering the disparity in their worlds and the differences of their styles, both in literature and life, Thompson and Hoffer have an amazing thematic proximity. Both commentators depend heavily upon their California experience – Thompson in L.A. and Big Sur and Hoffer in San Francisco and Berkeley – and both therefore give the impression of dwelling on the verge of apocalypse, the San Andreas syndrome. Both view the present state of things as a crumbling of institutional bounds heralding a transition to a radically new future, but a future which is no newer than our most ancient past. But where Thompson welcomes that future with the intensity of the philosophical nostalgist, regarding it as a necessary return to a primitive, tribal, "natural," elemental condition, Hoffer regards it as a terrible threat to civilization, a victory of barbarians, hordes of which have already entered the walls of the city.

Both Thompson and Hoffer, moreover, bolster their predictions for the future on a revision of the past. Thompson holds out the possibility that human evolution has not been the unbroken, Darwinian progress that most scientists evoke, but that man early attained a complex level of civilization, traces of which can be detected in diluvian myths, South American ruins, and universal memory. Hoffer, who tends to base his conclusions on the assumption that "things have ever been thus," similarly asserts that man's progress has always depended on cities, or at least their equivalent: large encampments of hunting men thrown together by adversity or necessity. In such groups was born the idea of grain cultivation, domestic animals, and (though he only implies it) the fort and the army.

Well, the "ever thus" school of thought is not quite the same as Thompson's Yeatsian cycles, but the idea of early cities is shared by both books, and is central to the development of both theses. Hoffer is not interested in Atlantis, but is interested in recent archeological finds of very large early towns. For him the city is the symbol of civilization, and he snarls and snaps at those sentimental pastoralists who pretend that Mother Nature is anything but a mean bitch. The "original" suburbs, he opines, were probably gatherings of misfits and outcasts not good enough for city life. But now, with the center letting go, all things are reversed, and the best talents seek shelter outside the walls, leaving only the unfit within.

Like most apocalyptic thinkers (Thompson included), Hoffer dwells on reversions, inversions, transference of roles, "madness" in power. Like most conservative thinkers, he regards revolution as not so much a leap into the future as a tumble into the past, all loss and no gain. Hoffer's targets are his familiar black beasts: the Negro, the Unruly Student, the Intellectual. His champion is once again the middle-class, hard-working, normal "Decent Man," he who always loses all, winning nothing.

Because of this it is an easy game to dismiss Hoffer as an example of articulate ignorance, self-education personified, an apologist for middle-class fears and hatreds, lending them the gloss of historical analogy and philosophical principle. His racism, anti-intellectualism, and fear of change is hardly what one would call latent, and it is tempting to place his earthy, black, "rational" fascism in opposition to Thompson's airy, white, mystical variety. Where Thompson is content to detect patterns of ordered form, Hoffer obviously wishes to *enforce* them. Hoffer the bear again, lunging at his fraying leash, symbol of those deep, growling (and growing) discontents heard every now and then from the fat but volcanic middle-class belly, so fearsome and yet so contemptible to the Intellectual. And what is Thompson, but just such a one, Hoffer's favorite enemy, who typically draws conclusions about America and LA by flying over them like a hummingbird, and who mocks the Intellectual's favorite enemy, Disneyland, Middle America at Play. It is hard to imagine Hoffer getting much further than a few pages into Chapter I of Thompson's book before tossing it away with a contemptuous snort, antiintellectual

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that he is. But is he?

Hoffer shares with Thompson a love of daring, even impudent assertions, generalizations maddening less to an intellectual mind than to a pedantic. It is important, as one reads Hoffer's book, to remember his early assertion, "that play has been man's most useful occupation," for perhaps his lunges are only playful kidding around. If he attacks Intellectuals and Students, who does he think his readers are, his beloved middle-class Workers? Not likely.

In other words, Hoffer and Thompson are brothers under the skin. Addressing the same audience, they also work from the same premise: accepted truth is often mere unthinking cant. The truths which they hold out as alternatives may be entirely different, at times antithetical, but in holding them out, not hurling them, they in effect honor one another and observe the rules of the game. There is room in the Peaceable Kingdom for both the hummingbird and the bear, after all. So long, that is, as the fraying leash holds and the bear is only kidding.

John Seelye

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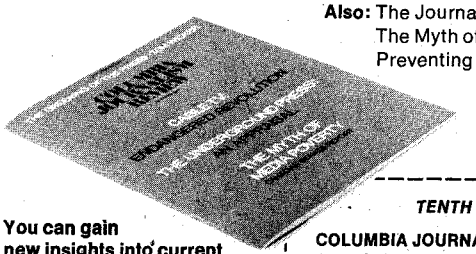

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NOTES ON CONTRIBUTORS

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Correspondence

Independent Consumers?

Sirs:

In these columns last week, Rep. Ben Rosenthal (D, NY) took sharp exception to my article "Advocates for the Consumer – Who's the Boss" (May 29). Since Congressman Rosenthal – along with other leaders of the consumer movement such as Ralph Nader – has so effectively spotlighted the failings of existing regulatory agencies, it remains a mystery why he has chosen to pattern his new "independent" consumer agency after its predecessors, and thereby leave it equally vulnerable to political pressures. Most important, he seems not to recognize the quite unique function of this new agency, a feature which will make its dependency on the President a far more crippling defect than is the similar dependency of the traditional agencies. Unlike the Environmental Protection Agency or the New York City Consumer Affairs Department (or the FTC, the FDA, and others) Rosenthal's consumer agency faces the task of challenging *the federal government itself* – rather than challenging private economic interests outside the government. The new agency will not merely threaten private interests to whom the President may or may not feel beholden; it will threaten the President himself. That is why it appears to me so hopelessly contradictory to create an ombudsman-style institution such as this, and at the same time make it subservient to the power of the President.

In response to Congressman Rosenthal's second point – that case-by-case appointment of consumer advocates will deprive consumer interests of the cumulative experience and resources of a single advocate agency – let me say this: the relative value of greater expertise inherent in the creation of a new advocate agency is in no way an argument for structuring the agency so that it is wholly dependent on the White House. A far better approach would be to model an advocate agency after the Mondale proposal for a Legal Services Corporation: give the advocate agency a board of directors that is genuinely independent of White House domination.

The only reason why it seems unlikely that Congress would appropriate funds for advocates for consumers (since it already appropriates funds for advocates for indigent criminal defendants) is that consumer leaders like Congressman Rosenthal have not promoted this idea. Moreover, in a great many cases, especially costly rate increase matters, Congress could provide that consumer advocates be compensated by corporate participants in the proceedings; consumers of these industries already pay the costs of the industry's lyawyers under statutes enacted by Congress.

After the Senate passed the consumer agency bill last December by an overwhelming 74-4 margin, Senator Hart pointed out that support for consumerism had grown to such dimensions that a far stronger proposal could get through. "The vote that bill got," he said, "shows that when anything with a consumer label on it gets to the floor, the vote is there to pass it." It is regrettable that Rep. Rosenthal is too cautious to find out whether Hart is right.

Simon Lazarus
Cambridge, Mass.

Kauffmann, *from page 24*

in this picture were delaying him for a date. Rod Steiger's Napoleon joins that of Charles Boyer and Marlon Brando in Filmland's St. Helena.

Blue Water, White Death (Cinema Center). A documentary by Peter Gimbel and James Lipscomb of an expedition headed by Gimbel in search of the great white shark, fiercest killer of them all, in the waters off Madagascar, Ceylon, and Australia. Like most such films there are about fifteen exciting minutes in the whole long pic-

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ture – underwater footage with the explorers swimming free or in specially constructed cages. The white sharks, like other sharks in and out of water, always seems to be smiling.

But I note for parents that I saw this film on a Sunday afternoon in a New York theater amid a lot of children who seemed rapt.

Plaza Suite (Paramount). My strongest feeling about this picture is that I wish I owned a piece of it. Neil Simon made a fortune from the play, but it's a safe bet that the film will dwarf that fortune.

Three one-act comedies in the same New York hotel suite. The first is trite but recognizable rue: a middle-aged husband confessing to his wife, on their anniversary, that he's having an affair and doesn't really know why. The second is farce: a visiting film producer looking for a quick lay and boozing up a former girl friend, now a New Jersey wife. The third is slapstick: the parents of a bride trying to get the girl to come out of a locked bathroom, go downstairs and be married.

Walter Matthau, in three wigs, plays the three male leads. He fits them, as he did not fit *A New Leaf*, and works like a practised technician. The three female leads are: in the first play, Maureen Stapleton, once more clumping around grossly; in the third, Lee Grant, training for Mrs. Portnoy (which she will play); and in the second – the only really taking performance – Barbara Harris as the suburbanite. A peach dumpling.

There are some laughs, if you think that the indignity of submitting yourself to this calculated laugh-machine is worth some laughs.

The Anderson Tapes (Columbia). Sidney Lumet plods flashily on. This is the old, old story of a perfect robbery and why it isn't. Fifth Avenue, NY, is the setting this time, and there's the added gimmick of lots of electronic and film surveillance. So it's supposed to be a comment, I guess, on the new dangers to privacy. If Lumet survives the H-bomb holocaust, he'll find a way to use it as a gimmick in some flick.

Sean Connery's acting can no longer be called disappointing. The only real disappointment is Christopher Walken, one of the best young actors in the American theater, who makes an unimpressive screen debut as one of the gang.

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